

May 23, 2003

## CONFIDENTIAL COMMUNICATIONS

**1. PURPOSE:** This Veterans Health Administration (VHA) Directive establishes new policy concerning a patient's rights to receive confidential communications pertaining to health information by an alternative means or at an alternative location other than the permanent address of record.

### 2. BACKGROUND

a. Title 45 Code of Federal Regulations (CFR) 164.522 (b), the Standards for Privacy of Individually Identifiable Health Information provision, sets guidelines for health care providers to accommodate a patient's request to receive communications with protected health information in a confidential manner at an alternative location or by an alternative means.

b. The Department of Veterans Affairs (VA) considers an alternative means to be in person and an alternative location to be an address other than the patient's permanent address listed in the Veterans Health Information Systems and Technology Architecture (VistA) system at the health care facility where the information is maintained.

c. Reasonable requests to have all written communications under a correspondence type of Eligibility and/or Enrollment, Appointment and/or Scheduling, Co-payments and/or Veteran Billing, Medical Records, and/or All Other must be accommodated (see Att. A).

d. All VistA packages utilizing the address fields of the Patient file have been modified to check for the confidential communications address data.

e. For manually generated written correspondence (e.g., response to a veteran letter) VHA health care facilities must use the confidential communications address when the correspondence being mailed falls into a correspondence type notated to use the confidential communications address. Staff should reference the Patient file in the VistA system to identify whether a confidential address is on record or not. If the patient's confidential address is indicated, the staff should utilize the confidential address for all mailings under the appropriate correspondence type.

**3. POLICY:** It is VHA policy that all VHA health care facilities comply with reasonable requests from a veteran to receive written communications or correspondence containing health information in a confidential manner at one confidential communications address, or in person, only when the veteran has made the request for the correspondence in person. For example, requesting copies of Medical Records from the Release of Information Unit in person.

**4. ACTION:** The medical facility Director, or designee, is responsible for ensuring that:

a. VistA patch DG\*5.3\*489 is installed. The application of VistA patch DG\*5.3\*489 provides the modifications to the Patient Information Management System (PIMS) Registration package allowing for the capture of a confidential communications address.

## **VHA DIRECTIVE 2003-025**

**May 23, 2003**

(1) VHA staff will not solicit the confidential communications address from the veteran population. However, if the veteran makes the request of a staff member to allow for the ability to receive written communications at an alternative address it should be accommodated as appropriate. All future written communications under one or more of the specific correspondence types must be sent to the confidential communications address once activated.

(2) When the veteran makes the request of a staff member to allow for the receipt of written communications at an alternative address other than the permanent address of record:

(a) Patients must specify a “start date” for use of the confidential correspondence address. It cannot be a date in the past. Patients may specify an “end date” for use of the address, but it is not required.

(b) The staff member must access screen 1.1 of the Load/Edit Patient Data option and answer the prompts. VistA allows the capture of the new confidential communications address fields including date started and stopped, street address, city, state, zip+4, and county.

b. If the confidential communications address data is on file for the patient, that address is used for the mailing of all communications under a correspondence type (see Att. A).

***NOTE:*** *The HL7 package will be used to pass the information to the Austin Automation Center (AAC) for the National Patient Care Database (NPCD). The data must be stored locally until the National Enrollment Database project is implemented.*

c. Requests to split communications under a correspondence type are considered unreasonable and denied. A request to receive communications via e-mail is also to be considered unreasonable and denied.

d. The confidential communications address and correspondence type is transmitted nightly to the AAC.

e. A confidential communications address that results in undeliverable mail is considered invalid; and that the correspondence is resent or re-mailed to the individual’s permanent address as notated in VistA.

f. A facility or office procedure consistent with the policies contained in this Directive regarding a confidential communications addresses is published and distributed it to all employees.

## **5. REFERENCES**

a. Public Law 104-191, Health Insurance Portability and Accountability Act (HIPAA).

b. Title 45 CFR Parts 160 and 164, Standards for Privacy of Individually Identifiable Health Information.

c. VHA Handbook 1605.1, Privacy and Release of Information.

**6. FOLLOW-UP RESPONSIBILITY:** Chief, Business Office (16) is responsible for the contents of this Directive. Questions may be referred to 202-254-0325.

**7. RECISSION:** None. This VHA Directive expires May 31, 2008.

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Under Secretary for Health

Attachment

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**ATTACHMENT A**

**DEFINITIONS OF THE FIVE CORRESPONDENCE TYPES FOR HEALTH  
INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)  
CONFIDENTIAL COMMUNICATION**

1. Patients may request confidential correspondence be mailed to a separate address. Health Insurance Portability and Accountability Act (HIPAA) Confidential Communications rules apply to both computer-generated and manually created correspondence.

2. Patients can only have one confidential communication address. Patients can choose one or more of the following types of correspondence to be sent to this address.

- a. Eligibility and/or Enrollment,
- b. Appointment and/or Scheduling,
- c. Co-payments and/or Veteran Billing,
- d. Medical Records, and
- e. All Others.

3. Patients must specify a “start date” for use of the confidential correspondence address. It cannot be a date in the past. Patients may specify an “end date” for use of the address, but it is not required.

**4. Definitions of the Five Correspondence types:**

**a. Enrollment and/or Eligibility Correspondence Type includes:**

(1) VA Form 10-10D, Application for CHAMPVA Benefits, VA Form 10-3884a, Automated Exchange of Beneficiary Information and Request to Eligibility Data, and VA Form 10-3884b, Automated Exchange of Beneficiary Information and Request for Eligibility Data;

(2) Correspondence relating to Enrollment and Eligibility applications and determinations,

(3) Letters regarding appeal issues and/or decisions, and

(4) Fee Basis Eligibility letters.

**b. Appointment and/or Scheduling Correspondence Type includes:**

(1) Appointment letters;

(2) Appointment cancellation letters;

**VHA DIRECTIVE 2003-025**

**May 23, 2003**

- (3) Surgery 30-day follow-up letters; and
- (4) Woman's Veterans Health appointment letters.

**c. Co-payments and/or Veteran Billing Correspondence Type includes:**

- (1) Patient bills on Universal Billing (UB) Form 92 and Health Care Financing Administration (HCFA) Form 1500;
- (2) Monthly patient statements;
- (3) Prescription-Co-payment Exemption Income Test Reminders;
- (4) Letters of Indebtedness (Debt Management Center (DMC), the Department of the Treasury, etc.);
- (5) Statement of Case letters (relating to veteran's appeal);
- (6) VA Form 10-7078, Authorization and Invoice for Medical and Hospitality, (Fee Basis);
- (7) Unauthorized claim letters (Fee Basis); and
- (8) Millennium Health Care Act claim letters.

**d. Medical Records Correspondence Type includes:**

- (1) Copies of medical records,
- (2) Letter from clinics regarding Lipid and/or Warfarin results;
- (3) Pharmacy medication list;
- (4) Copies of pharmacy records; and
- (5) Woman's Veterans Health results letters.

**e. All Other Correspondence Type includes:**

- (1) Form letters;
- (2) Surveys;
- (3) Invitations to programs;
- (4) Fee (non-VA) letters requesting information, authorization, verification, denial, and/or discrepancies in services; and
- (5) Letters regarding suspected fraud and abuse.